

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK LIVES MATTER SEATTLE-
KING COUNTY, ABIE EKENEZAR,
SHARON SAKAMOTO, MURACO
KYASHNA-TOCHA, ALEXANDER
WOLDEAB, NATHALIE GRAHAM,
AND ALEXANDRA CHEN,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

No. 2:20-cv-00887-RAJ

DECLARATION OF LISA NOWLIN

I, Lisa Nowlin, declare and state as follows:

1. I am a Staff Attorney at the ACLU of Washington and co-counsel for the Plaintiffs in this case. I acknowledge that the facts set forth herein are true and correct and could testify competently to them if called upon to do so

2. I graduated from New York University School of Law in 2011. I worked for the international law firm Paul Hastings LLP for three years as a litigation associate, focusing on white collar litigation and foreign anti-corruption. Prior to joining the ACLU of Washington, I served as a judicial law clerk for the Honorable Gladys Kessler at the United States District

1 Court for the District of Columbia and was a complex litigation associate at Keller Rohrback,
2 LLP.

3 3. I am admitted to practice in Washington and California, and am in good standing
4 with the Washington State Bar Association and the State Bar of California. I am admitted to
5 practice in United States District Courts for the Western District of Washington, the Eastern
6 District of Washington, and the United States Court of Appeals for the Ninth Circuit.

7 4. I have served as counsel on several local state and federal cases, including
8 *Kortlever v. Whatcom County*, No. 2:18-cv-00823 (W.D. Wash. 2019) (class action challenging
9 ban on medication assisted treatment in county jail); *Does v. Trump*, No. C17-0178 (W.D.
10 Wash.) (challenge to the United States' ban on the entry of certain refugees); *Enstad v.*
11 *PeaceHealth*, No. 2:17-cv-01496 (W.D. Wash. 2019) (challenge to medical plan's exclusion of
12 transition-related care for transgender individuals); and *Banks v. City of Tacoma*, No. 16-2-
13 05416-7 (Wash. Super. Ct. Pierce County) (pending) (litigation related to public records request
14 regarding controversial surveillance technology).

15 5. My experience and expertise are the basis for the hourly rate of \$400 for work I
16 performed in the case before this Court

17 6. Molly Tack-Hooper is a former Senior Staff Attorney with the ACLU of
18 Washington. She graduated from New York University School of Law in 2009, where she
19 received honors for her dedication to civil rights and civil liberties and her aptitude in this area.
20 After law school, she clerked for a U.S. Magistrate Judge in the Southern District of New York,
21 and then joined the ACLU of Pennsylvania as a Legal Fellow in 2010. From 2011 to 2013, she
22 represented plaintiffs in complex state and federal class actions as an associate at Berger &
23 Montague.

24 7. From February 2013 until November 2019, she was a staff attorney, and then a
25 senior staff attorney, at the ACLU of Pennsylvania, working out of the Philadelphia office. In
26 that capacity, she represented plaintiffs in constitutional impact litigation in many areas of law,

1 with a significant portion of her docket focusing on police misconduct. In November 2019, she
2 relocated to Seattle, Washington, and served as a senior staff attorney at the ACLU of
3 Washington from November 2019 until recently, when she left the ACLU for a position at
4 Earthjustice.

5 8. Ms. Tack-Hooper's experience and expertise are the basis for the hourly rate of
6 \$500 for work she performed in the case before this Court.

7 9. I excluded time and am not requesting fees for Senior Staff Attorneys John
8 Midgley and Nancy Talner, and Staff Attorney Breanne Schuster, that was spent on meetings
9 regarding litigation strategy and reviewing drafts. I am also not requesting fees for the time our
10 legal interns spent reviewing video footage and case documents.

11 10. Attached as Exhibit A are time records for my work on this case for which we
12 request compensation. Not all time records were kept contemporaneously. I reviewed my
13 Microsoft Outlook calendar, case notes, and email history to arrive at the total number of hours
14 spent on this case. I did not include any time entries that are not reflected in at least one of those
15 records, or that were not kept contemporaneously.

16 11. Attached as Exhibit B are time records for Molly Tack-Hooper's work on this
17 case for which we request compensation. These records reflect contemporaneous timekeeping.

18
19 Executed this 17th day of December 2020 at Seattle, WASHINGTON.

20 I declare under penalty of perjury under the laws of the United States and the State of
21 Washington that the foregoing is true and correct.

22
23 By: /s/ Lisa Nowlin

24 Lisa Nowlin
25
26

EXHIBIT A

Date	Description	Hours
9/24/2020	Research less lethal weapons used by SPD; prepare summary of research for team	1
9/24/2020	Review and revise declarations	0.7
9/25/2020	Correspondence with plaintiffs regarding contempt motion and events at issue	0.3
9/25/2020	Call with M. Schade re protests; prepare draft of M. Schade declaration	2.5
9/25/2020	Correspondence with team re litigation strategy	0.2
9/26/2020	Prepare Mowery declaration; call with K. Mowery	2
9/27/2020	Review and revise Schade declaration; correspondence with M. Schade re edits to declaration	1.2
9/27/2020	Prepare addition to facts section of motion; incorporate facts from declarations; revise motion	2.9
9/28/2020	Finalize Schade declaration	0.6
9/28/2020	Finalize Mowery declaration	0.1
9/28/2020	Review and revise proposed order; communicate with team re proposed order	0.9
9/29/2020	Review and revise draft contempt motion	1
10/2/2020	Review City response filings, declarations, and videos	1.3
10/9/2020	Litigation strategy meeting with Molly TH, Bob C., and David P.	0.9
10/14/2020	Attend case hearing; hearing preparation	1
10/15/2020	Review and revise joint submission draft	0.3
10/19/2020	Correspondence regarding joint submission to court	0.5
10/20/2020	Attend case hearing; hearing preparation	0.8
10/26/2020	Meet with Molly TH re oral argument prep	0.7
11/3/2020	Meet with team re reply strategy	0.8
11/3/2020	Prepare video review spreadsheet; coordinate and correspond with video review team	1
11/4/2020	Review Aug 26 video and prepare notes	2.8
11/5/2020	Review Sept 23 video and prepare notes; revise facts section of reply	3.3
11/5/2020	Review Aug 26 video and use of force reports	1.4
11/6/2020	Review video for Sept 7 and annotate; prepare facts in reply	3.9
11/6/2020	Review and revise reply	2.1
11/7/2020	Review videos, declarations, and use of force reports for reply; prepare notes on videos, declarations, and use of force reports; incorporate facts into reply	9.3
11/8/2020	Review and revise reply	2.1
11/8/2020	Review and revise Chen declaration	0.2
11/9/2020	Review and revise reply; communicate with team regarding edits to reply	2.2
11/13/2020	Legal research and review case law in preparation for oral argument	1.5

Review filings and videos in preparation for oral argument;	
11/15/2020 prepare materials for oral argument	3.6
11/16/2020 Moot for oral argument; edit oral argument notes	1.9
11/16/2020 Prepare, review, and revise chronologies of events	2.4
Review praecipe filing; communications with team regarding	
11/16/2020 praecipe filing and potential responses	1.1
Prepare notes for oral argument; review videos and use of	
11/17/2020 force reports	4.5
11/18/2020 Prepare for oral argument; oral argument	3.25

Total: 66.25

Total at rate of \$400/hour \$26,500

EXHIBIT B

Date	Description	Hours
8/28/2020	Team call re: contempt and edits to the letter	1.30
8/29/2020	Interviewing JW	1.00
8/29/2020	Interviewing MU	1.30
8/29/2020	Interviewing FP	1.00
8/30/2020	Interviewing SM	1.00
8/30/2020	Interviewing AC	1.00
9/8/2020	Interviewing protesters about 9/7 SPOG rally	9.00
9/11/2020	Compiling evidence for contempt motion	1.50
9/12/2020	Drafting declarations - Servian	2.40
9/12/2020	Drafting declarations - Haughie and Grace	3.20
9/13/2020	Emails re: contempt motion strategy	0.50
9/16/2020	Editing motion for contempt	4.60
9/17/2020	Drafting declaration - Ashton Eby	0.40
9/17/2020	Team call re: motion for contempt	1.00
9/17/2020	Conversations w/BLM reps, follow-up emls	0.40
9/17/2020	Editing motion for contempt	1.50
9/17/2020	Drafting Ashton Eby declaration	2.70
9/18/2020	Drafting Jasper Wensnahan declaration	3.20
9/18/2020	Drafting Wensnahan and Martin declarations	3.40
9/19/2020	Interviewing Mike Scaturo plus follow-up	1.50
9/20/2020	Editing motion	0.50
9/20/2020	Interviewing AM	0.60
9/20/2020	Editing motion	2.00
9/20/2020	Edits to MLH and AE declarations	1.90
9/21/2020	Team emls re: motion strategy	0.80
9/21/2020	Edits to JW Declaration	2.00
9/21/2020	Edits to CM declaration	1.10
9/21/2020	Follow-up interview with CM	0.50
9/21/2020	Edits to CM declaration	0.40
9/21/2020	Team emls re: motion strategy	0.60
9/21/2020	Edits to CM declaration	1.30
9/21/2020	Drafting CK declaration	1.60
9/22/2020	Team emls re: motion strategy	2.50
9/23/2020	Interviewing CT, drafting declaration	4.70
9/23/2020	Interviewing TT about 7/25	0.90
9/23/2020	Editing AW declaration	0.20
9/23/2020	Drafting SS declaration	0.70
9/23/2020	Editing MS declaration	0.40
9/24/2020	Interviewing witnesses	0.40
9/24/2020	Editing MS declaration	0.40
9/24/2020	Editing JW declaration	0.60
9/24/2020	Interviewing witnesses	1.00
9/24/2020	Editing CM declaration	0.20
9/24/2020	Interviewing witnesses	0.70
9/24/2020	Drafting SS declaration	0.20
9/24/2020	Interviewing witnesses	1.00

9/24/2020	Editing EGR declaration	0.80
9/24/2020	Drafting SS declaration	1.20
9/25/2020	Edits to RS and MS declarations	1.10
9/25/2020	Drafting BG declaration	1.50
9/25/2020	Editing CT declaration	0.50
9/25/2020	Editing CT declaration	0.30
9/25/2020	Emails re: BLM motion edits	0.90
9/25/2020	Interviewing AF, drafting declaration	2.80
9/25/2020	Editing motion	4.10
9/26/2020	Interviewing JS, updating declaration	4.10
9/27/2020	Interview w/SS, edits to declaration	1.50
9/27/2020	Interview w/MLH, editing declaration	1.50
9/27/2020	Interview w/SS, edits to declaration	2.40
9/27/2020	Editing brief	3.50
10/5/2020	Drafting email to opposing counsel re: proposed schedule	1.10
10/20/2020	Status conference plus follow-up conversations w/team	1.60
10/20/2020	Interviewing potential witness - DW	1.50
11/2/2020	Reading City's response	1.40
11/5/2020	Drafting reply brief	4.20
11/5/2020	Drafting reply brief	2.50
11/5/2020	Editing Alexandra Chen Declaration	1.30
11/7/2020	Reviewing D's exhibits	3.00
11/7/2020	Reviewing D's exhibits	2.90
11/8/2020	Reviewing D's exhibits	1.20
11/9/2020	Editing reply brief	2.70

TOTAL	118.70
Total at rate of \$500/hour	\$59,350